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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/202,336	12/14/1998	ERLAND WITTKOTTER	HPB-7	2766
826	7590 05/19/2003			
ALSTON &	BIRD LLP	EXAMINER		
BANK OF A	MERICA PLAZA TRYON STREET, SUITE	BACKER, FIRMIN		
CHARLOTT	E, NC 28280-4000		ART UNIT	PAPER NUMBER
			3621	
			DATE MAILED: 05/19/2003	3

Please find below and/or attached an Office communication concerning this application or proceeding.

		· · · · · · · · · · · · · · · · · · ·		Applicant(s)	<del>/</del>				
÷ . '		Application No.			11				
		09/202,336		WITTKOTTER, ERL	AND/				
	Office Action Summary	Examiner		Art Unit					
	·	Firmin Backer	- b 4 14b - 4b	3621	ress				
Pariod for	- The MAILING DATE of this communication app r Reply				-				
THE N - Exten after S - If the - If NO - Failur	DRTENED STATUTORY PERIOD FOR REPLIFICATION.  MAILING DATE OF THIS COMMUNICATION.  Issions of time may be available under the provisions of 37 CFR 1.1  SIX (6) MONTHS from the mailing date of this communication.  Period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period reto reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailined patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, howe	ver, may a reply be tin mum of thirty (30) day SIX (6) MONTHS from become ABANDONE	nely filed s will be considered timely. the mailing date of this con D (35 U.S.C. § 133).	nmunication.				
1)	Responsive to communication(s) filed on 11	March 2003 .							
2a)□	This action is <b>FINAL</b> . 2b) T	his action is non-fi							
3)□	Since this application is in condition for allow closed in accordance with the practice under ion of Claims	vance except for for Ex parte Quayle,	rmal matters, p 1935 C.D. 11,	rosecution as to the 453 O.G. 213.	e merits is				
	Claim(s) 1 and 3-18 is/are pending in the app	olication.							
٠,٠	4a) Of the above claim(s) is/are withdra	awn from consider	ation.						
5)									
6)⊠	Claim(s) 1 and 3-18 is/are rejected.								
7)	The second secon								
8)	Claim(s) are subject to restriction and	or election require	ment.						
Applicat	tion Papers								
9)□	The specification is objected to by the Examir	ner.	tad ta bu tha Ev	aminer					
10)□	The drawing(s) filed on is/are: a)☐ acc	epted or b) dobject	ted to by the EX	aniller. See 37 CFR 1 85/a)					
	Applicant may not request that any objection to	the drawing(s) be he	ed h\□ disann	roved by the Examin	er.				
11)	The proposed drawing correction filed on	is: a) approv	ction	(0,000 b) and minimi					
	If approved, corrected drawings are required in		ouon.						
1	The oath or declaration is objected to by the I	Examinion.							
Priority	under 35 U.S.C. §§ 119 and 120		SELLO C 9 440	(a)-(d) or (f)					
	Acknowledgment is made of a claim for fore	ign priority under	0.0.0.0.9 118	(a) <sup>2</sup> (u) or (1).					
a	a) ☐ All b) ☐ Some * c) ☐ None of:		- in a d						
	1. Certified copies of the priority documents have been received.								
	2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage								
	application from the International the attached detailed Office action for a l	ist of the certified	copies not rece	ived.					
14)	14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).								
a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.									
Attachm									
1)  No	otice of References Cited (PTO-892) otice of Draftsperson's Patent Drawing Review (PTO-948) formation Disclosure Statement(s) (PTO-1449) Paper No(	4) [ 5) [ s) 6) [	Notice of Inform	nary (PTO-413) Paper N nal Patent Application (P	lo(s) TO-152)				

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# Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 11<sup>th</sup>, 2003 has been entered.

#### Response to Arguments

2. Applicant's arguments with respect to claims 1 and 3-18 have been considered but are moot in view of the new ground(s) of rejection.

# Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1, 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Blatter et al '873 in view of Yasukawa et al '622.

Regarding all of the above claims:

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Blatter et al teach a data storage and decoding means, figure 1, such that Applicant's local computer system reads on element 25 and column 3, lines 44 - 49, Applicant's external data source reads on element 130, Applicant's local data storage means reads on elements 95, 90 and 105 and column 4, lines 61 - 64, Applicant's linking means reads on elements 115 and 110 and 70, Applicants' protection data reads on the encryption keys of smart card, element 130, Applicant's storing in a non-reconstructed form reads on the PIDs and column 4, lines 41 - 55 and Applicants' non-linearity of the data storage means reads on column 14, lines 41 - 49. Blatter et al fail to teach an inventive concept wherein the internet is used in order to protect the distribution of data files. However, Yasukawa et al teach an inventive concept wherein the internet is used in order to protect the distribution of data files read in abstract, fig 2. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Blatter et al's inventive concept to include Yasukawa et al's an inventive concept wherein the internet is used in order to protect the distribution of data files because this would have facilitate obtaining data files from the protected sources by any remote user.

Regarding particularly claims 3 and 10:

Applicant's operational instructions read on column 5, lines 19-26.

Regarding claim 4:

Applicant's storage means reads on column 6, lines 34-43.

Regarding claims 5 and 12

Blatter et al teach that their program (encrypted) contains gaps wherein CPSI (Condensed program specific information), used for mapping data, can be placed, columns 13 and 14,

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lines 34 – 42 and lines 7 – 20, respectively. This information is used in conjunction with the smart card to de-map the data stored in the storage devices. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to receive this information to fill the gaps via a smart card (as this claim is interpreted as performing by the Examiner) rather than by the system, element 25, of Blatter et al., e.g., if the smart card is a "store owned" smart card and all of the data of the videos (programs) received is certain to be arranged the same way.

## Regarding claims 6 and 17:

The language of Applicant's claim 6 reads on the smart card, element 130 and an inherent smart card reader (interface).

### Regarding claims 7 and 13:

Applicant's identification and billing data read on Blatter et al's entitlement data of smart card, element 130.

#### Regarding claim 8:

Applicant's control module reads on element 125.

### Regarding claim 9:

Applicant's step of ensuring reads on the encryption of the programs disclosed in Blatter et al.

### Regarding claims 14 and 15:

Applicant's step of encoding reads on the keys of element 130, Applicant's step of transmitting reads on an inherent smart card reader/interface and Applicant's step of decoding reads on elements 115 and 33.

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Regarding claim 16:

Applicant's plurality of document units reads on Blatter et al's plurality of video programs.

Regarding claim 18:

Applicant's data reads on column 3, lines 43 - 49 and column 9, lines 59 - 62.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Firmin Backer

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May 18, 2003